

HOUSE BILL NO. 554

INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LAW ENFORCEMENT OFFICIALS TO STOP A VEHICLE OPERATED BY A DRIVER UNDER 18 YEARS OF AGE OR CONTAINING OCCUPANTS UNDER 18 YEARS OF AGE FOR FAILURE TO WEAR SEATBELTS OR TO BE RESTRAINED IN A CHILD SAFETY SEAT AS APPLICABLE; AND AMENDING SECTION 61-13-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-13-103, MCA, is amended to read:

"61-13-103. Seatbelt use required -- exceptions. (1) A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that the occupant is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

(c) an operator of a motorcycle or a motor-driven cycle;

(d) an occupant of a vehicle licensed as special mobile equipment; or

(e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may be exempted by the department.

(3) The department may adopt rules to implement subsection (2)(e).

(4) (a) The Except as provided in subsection (4)(b), the department or its agent may not require a driver who may be in violation of this section to stop except upon reasonable cause to believe that ~~the driver an~~ occupant of the vehicle has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law.

(b) The department or its agent may stop a vehicle if the driver or an occupant of the vehicle is under 18 years of age and is not wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is not properly restrained in a child safety restraint."

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